

**REMARKS**

By the above amendments, claim 1 has been canceled, claims 2-20 have been amended and new claims 21-24. Additionally, a substitute specification and mark-up copy thereof have been submitted with this response. The substitute specification contains no new matter as can be verified by examination of the mark-up copy thereof. In view of these actions and the following remarks, reconsideration of this application is requested.

With regard to the objection to the specification for failing to provide support for the material "PC" in claim 7, claim 7 has been amended to remove "PC" therefrom. Therefore, this objection should be withdrawn and such action is requested.

The claims were rejected under 35 USC § 112, first paragraph due to use of the term "visor," a review of the German text of this application revealed that the term "visor" is an error in the translation thereof that was filed for entry into the U.S. National Phase. In the German text, the German word "Blende" is used which means a "screen or blind," not a visor. Thus, paragraphs [0010], [0021] and the Abstract of the substitute specification have had the term visor replaced with the term "screen or blind," but since a screen or blind is not shown in the drawings, this term has been removed from the claims. Therefore, this rejection should also be withdrawn.

The claims were rejected for indefiniteness under 35 USC § 112, second paragraph for the reasons noted in items 6-9 on page 3 of the Office Action. In view of this rejection, usage of the term "or" and "and/or" has been removed from the claims, and the same is true for the term "preferably." Still further, the antecedent basis problems noted by the Examiner have been corrected and the claims otherwise amended to improve the clarity thereof. As such, this rejection should now be withdrawn and action to that effect is requested.

The drawings were objected to for failing to show a positioning mechanism connected to the retaining element. However, since claim 14 has been amended so that it no longer recites a positioning mechanism connected to the retaining element, but rather only recites the function of the retaining element for connecting of a positioning mechanism, illustration of a positioning mechanism should no longer be necessary. Thus, the objection to the drawings should be withdrawn and such action is requested.

Claims 1-4, 9-11, and 13 were rejected under 35 USC § 102 as being anticipated by the Bienert et al. patent while claims 12, 14-16, and 18-20 were rejected under 35 USC § 103 as

being unpatentable over the Bienert et al. patent. However, these rejections were and are inappropriate since there is nothing in the disclosure of this patent as to the use of a “cement material having the properties of a flat shatterproofing element” (as set forth in claim 21) for their splinter-protection sheet 6 or the use of the sheet 6 for cementing of the attachment part (lower frame member 7) to the pane (cover plate 5). The Bienert et al. patent merely indicates that sheet 6 has an adhesive for attachment of it to the pane. Moreover, there is no indication whatsoever that sheet 6 cements the lower frame member 7 to the pane 5, and to the contrary, as recited in claim 1 of the Bienert et al. patent:

... said upper and lower frame members being of a thickness and being rigidly interconnected in a fixed relationship with respect to each other *so as to secure the peripheral edge of the cover plate*, ..., wherein the means for rigidly interconnecting the upper and lower frame members include a lip means provided on the lower frame member and a recess means formed in the upper frame member for accommodating the lip means, and wherein the recess means and the lip means comprise a catch means by which the lip means is held in the recess means.

Thus, rather than being cemented to the cover plate 5, the lower frame 7 acts together with upper frame 8 to clamp the cover plate 5 between them so as to secure the cover plate “for preventing deformations or warping of the cover plate.” As such, not only is there no disclosure of cementing of the lower frame 7 cover plate 5 via the sheet 6 (or even of the sheet 6 being made of a layer of a cement material), but there is clearly no need for any cementing of the lower frame 7 to the cover plate 5 via the splinter prevention sheet 6. As a result, the Bienert et al. patent cannot even render claim 21 obvious, let alone anticipate same. Accordingly, reconsideration and withdrawal of the § 102 and 103 rejections based upon the Bienert et al. patent are in order and are hereby requested.

Claims 5, 6, 8, and 17 have been rejected under 35 USC § 103 as being unpatentable over the Bienert et al. patent when viewed in combination with either of the two Bolton et al. patents, the Bolton et al. patents being cited for their teachings of specific adhesive materials considered obvious for use with the cover of the Bienert et al. patent. However, the Bolton et al. patents merely describe a material to be used as a reinforcing layer for a glass sheet, either as a layer applied to a side of a single glass pane or as an interlayer between a pair of glass panes, but nothing is mentioned in either Bolton et al. patent about using their resin film layer as a cement for securing of an attachment part to the glass pane as is disclosed and claimed in

this application. Thus, given the above described reasons that the Bienert et al. patent does not anticipate the present invention, it is impossible for the deficiencies of the Bienert et al. patent relative to the present invention to be overcome by the Bolten et al. patents which not only provide no reason or motivation to modify the manner in which Bienert et al.'s frame 7 is attached, but do also fail to even indicate a capability of their film layers to serve as an attachment medium for such a frame part, i.e., the mere fact that the resin film layers of Bolten et al. are able to be laminated to a glass pane does not mean that they are usable as a cement for bonding a frame or other similar structural part to a glass pane. Accordingly, the § 103 rejection based on these references should be withdrawn and such action is hereby requested.

Claim 7 has been rejected under 35 USC § 103 as being unpatentable over the combination of the Bienert et al. patent with either of the two Bolton et al. patents when viewed in further combination with either of the Choussade et al. and Gourio references. However, the Choussade et al. and Gourio references possess all of the same shortcomings as the Bolten et al. and are unable to make up for the deficiencies of the Bienert et al. patent for all of the same reasons noted above. Therefore, this rejection under § 103 should also be withdrawn and such action is hereby requested.

While this application should now be in condition for allowance, in the event that any issues should remain after consideration of this response which could be addressed through discussions with the undersigned, then the Examiner is requested to contact the undersigned by telephone for that purpose.

Respectfully submitted,

  
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